

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Edward Jung, *et al.*
Application No. : 10/816,364
Confirmation No. : 1688
Filed : March 31, 2004
TITLE : FEDERATING MOTE-ASSOCIATED INDEX DATA

Examiner : Oleg Survillo
Art Unit : 2142
Docket No. : SE1-0015-US

Customer No. : 80118

Mail Stop Appeal Brief -- Patents
Commissioner for Patents
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Alexandria, VA 22213-1450

APPELLANT'S REPLY BRIEF

Dear Madam or Sir:

This paper is responsive to Examiner's Answer dated July 12, 2010 (hereinafter "Examiner's Answer"), in which the Examiner raised a new ground of rejection. Appellant hereby responds to the Examiner's new grounds of rejection.

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I. NEW GROUNDS OF REJECTION: 35 U.S.C. §112

The Examiner rejected claims 108-128 and 154-178 under 35 USC §112, ¶2 as being indefinite for “failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Appellants respectfully traverses these rejections.

Claim 108 recites:

108. A system comprising:

- means for creating a plurality of first-administered content indexes for a first set of notes;

- means for aggregating the plurality of first-administered content indexes of the first set of notes into an aggregated content index using a gateway note included within the first set of notes;

- means for creating one or more second-administered content indexes for a second set of notes;

- means for obtaining at least a part of the second-administered content indexes of the second set of notes; and

- means for creating a federated index from the aggregated content index aggregated by the gateway note and at least a part of the one or more second-administered content indexes, wherein at least one of the means for creating or the means for obtaining includes at least one of electrical circuitry for creating or electrical circuitry for obtaining.

Claims 109-128 depend from and further limit or define claim 154.

Claim 154 recites:

154. A system comprising:

- means for aggregating a plurality of a first-administered content index from a first set of notes into an aggregated content index using an aggregating note from among the first set of notes;

- means for receiving at least a part of a second-administered content index from a second set of notes; and

- means for creating a federated index from the aggregated content index from the aggregating note and at least a part of the second-administered content index, wherein at least one of the means for obtaining or the means for creating includes at least one of electrical circuitry for obtaining or electrical circuitry for creating (emphasis added).

Claims 155-178 depend from and further limit or define claim 154.

Appellant, in traversing the rejection, states that the corresponding structure, material, or acts, are implicitly or inherently set forth in the written description of the specification. Exemplary structure, material or acts described in Appellant's disclosure that perform the claimed function (in accordance with 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181) are as follows.

108. A system comprising:

means for creating a plurality of first-administered content indexes for a first set of notes; (See Specification, page 2, paragraph 5; See Drawings Figs. 2-4, including but not limited to 202).

means for aggregating the plurality of first-administered content indexes of the first set of notes into an aggregated content index using a gateway note included within the first set of notes; (See Specification, page 14, 1st paragraph, page 21, first paragraph; See Drawings Figs. 3, 7, and 9 including but not limited to 704)

means for creating one or more second-administered content indexes for a second set of notes; (See Specification, page 14, 1st paragraph, page 21, first paragraph; See Drawings Figs. 3, 7 and 9 including but not limited to 708)

means for obtaining at least a part of the second-administered content indexes of the second set of notes; (See Specification, page 14, 1st paragraph, page 21, first paragraph; See Drawings Figs. 3, 7 and 9, including but not limited to item 990) and

means for creating a federated index from the aggregated content index aggregated by the gateway note and at least a part of the one or more second-administered content indexes, (See Specification, page 21, first paragraph, page 28 second paragraph, to page 29; See Drawings Figs. 5, 9 and 10, including but not limited to item 990)

wherein at least one of the means for creating or the means for obtaining includes at least one of electrical circuitry for creating or electrical circuitry for obtaining. (See Specification, pp. 2-3, page 21, first paragraph, page 28, second paragraph to page 29; page 40, second paragraph – page 41, first paragraph; See Drawings Figs. 5, 9 and 10);

Claim 154 recites:

154. A system comprising:

means for aggregating a plurality of a first-administered content index from a first set of notes into an aggregated content index using an aggregating note from among the first set of notes; (See Specification, page 2, paragraph 5, page 14, 1st paragraph, page 21, first paragraph, See Drawings Figs. 3, 7, and 9 including but not limited to 704)

means for receiving at least a part of a second-administered content index from a second set of notes; ; (See Specification, page 14, 1st

paragraph, page 21, first paragraph; See Drawings Figs. 3, 7 and 9 including but not limited to 708) and

means for creating a federated index from the aggregated content index from the aggregating mote and at least a part of the second-administered content index, wherein at least one of the means for obtaining or the means for creating includes at least one of electrical circuitry for obtaining or electrical circuitry for creating. (See Specification, page 21, first paragraph, page 28 second paragraph, to page 39, See Drawings Figs. 5, 9 and 10, including but not limited to item 990)

Also Applicant's disclosure suggests that items 704, 708 and 990 can be implemented using electrical circuitry:

"In a general sense, those skilled in the art will recognize that the various aspects described herein which can be implemented, individually and/or collectively, by a wide range of hardware, software, firmware, or any combination thereof can be viewed as being composed of various types of "electrical circuitry." Consequently, as used herein "electrical circuitry" includes, but is not limited to, electrical circuitry having at least one discrete electrical circuit, electrical circuitry having at least one integrated circuit, electrical circuitry having at least one application specific integrated circuit, electrical circuitry forming a general purpose computing device configured by a computer program (e.g., a general purpose computer configured by a computer program which at least partially carries out processes and/or devices described herein, or a microprocessor configured by a computer program which at least partially carries out processes and/or devices described herein), electrical circuitry forming a memory device (e.g., forms of random access memory), and/or electrical circuitry forming a communications device (e.g., a modem, communications switch, or optical-electrical equipment)."

For example, Applicant's specification describes:

"In one or more various aspects, related systems include but are not limited to circuitry and/or programming for effecting the herein-referenced method aspects; the circuitry and/or programming can be virtually any combination of hardware, software, and/or firmware configured to effect the herein-referenced method aspects depending upon the design choices of the system designer"

(See Specification (*US Publication No. 20050227686 A1*) paragraphs 10, 12, 110-112).

As all the elements of the claims are described in the appellants specification, appellant respectfully submits that claims 108 and 154 (and their dependent claims) particularly point out and distinctly claim the subject matter which applicant regards as

the invention, and respectfully requests reconsideration and withdrawal of the new rejections of claims 108-128 and claims 154-178 under 35 USC §112, ¶2.

II. CONCLUSION

For the foregoing reasons, Appellant respectfully submits that the Examiner's rejections under 35 USC §112 should be reversed. Please note that if there are any matters that may be expedited by telephone conference, the Examiner is kindly invited to contact the undersigned at (206) 321-9072. Also, if the Examiner notes any informalities in the claims, he is encouraged to contact the undersigned to expediently correct such informalities.

Respectfully submitted,

August 12, 2010

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